

1. Nurse has a valid and unrestricted license in the State of intended employment and such State verified that he or she has a foreign license which is authentic and unencumbered.

2. Nurse has passed the National Council Licensure Examination (NCLEX).

3. Nurse is a graduate of a nursing program in which (i) the language of instruction was English; and (ii) the program was located in a country designated unanimously by CGFNS and any other authorized credentialing organizations based on a determination that the quality of nursing education in that country, and the English language proficiency of those who complete such programs in that country, justify the country's designation.

4. CGFNS will make the initial designations during the 30-day period following passage of the Act.

c. These provisions will take effect on the date of the enactment of the Act without regard to whether or not final regulations have been promulgated to carry them out.

Mr. DAVIS of Illinois. Mr. Speaker, I am pleased to express support for H.R. 2759, the Health Professional Shortage Area Nursing Relief Act, introduced by my colleague the Honorable BOBBY RUSH. H.R. 2759 provides opportunities for institutions in medical manpower shortage areas to hire foreign trained nurses who have been granted special waivers to enter the country and work.

Initially, I had some concerns about this bill due to reservations expressed by some nursing groups, especially the Chicago Chapter of the Black Nurses Association. However, after reading the bill and having discussions with Congressman RUSH, I am convinced that there is little room for negative impact on opportunities for U.S. trained nurses who are available and ready to work in these special situations. This bill is well crafted, it has built in protections and should go a long way towards meeting concrete needs. Therefore, I commend the gentleman from Illinois, Mr. RUSH, for entertaining a specific problem and finding a solution which will benefit one of our great community hospitals, St. Bernards in Chicago and other institutions experiencing similar problems throughout the Nation. I am pleased to support this well crafted legislation and congratulate Congressman RUSH on his creativity and ingenuity.

Ms. LOFGREN. Mr. Speaker, I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 2759, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CORRECTION OFFICERS HEALTH AND SAFETY ACT OF 1998

Mr. HYDE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2070) to amend title 18, United States Code, to provide for the mandatory testing for serious transmissible diseases of incarcerated persons whose bodily fluids come into contact with

corrections personnel and notice to those personnel of the results of the tests, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2070

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Correction Officers Health and Safety Act of 1998".

SEC. 2. TESTING FOR HUMAN IMMUNODEFICIENCY VIRUS.

(a) IN GENERAL.—Chapter 301 of title 18, United States Code, is amended by adding at the end the following:

"§4014. Testing for human immunodeficiency virus

"(a) The Attorney General shall cause each individual convicted of a Federal offense who is sentenced to incarceration for a period of 6 months or more to be tested for the presence of the human immunodeficiency virus not earlier than 3 nor later than 4 months after the commencement of that incarceration.

"(b) If the Attorney General has a well founded reason to believe that a person sentenced to a term of imprisonment for a Federal offense, or ordered detained before trial under section 3142(e), may have intentionally or unintentionally transmitted the human immunodeficiency virus to any officer or employee of the United States, or to any person lawfully present in a correctional facility who is not incarcerated there, the Attorney General shall, upon the request of the affected officer, employee, or other person, cause the person who may have transmitted the virus to be promptly tested for the presence of such virus and communicate the test results as soon as practicable to the person requesting that the test be performed and to the person tested, if person tested so requests.

"(c) If the results of the test indicate the presence of the virus, the Attorney General shall provide appropriate access for counselling, health care, and support services to the affected officer, employee, or other person, and the person tested.

"(d) The results of a test under this section are inadmissible against the person tested in any Federal or State civil or criminal case or proceeding.

"(e) Not later than one year after the date of enactment of this section, the Attorney General shall make rules to implement this section. Such rules shall require that the results of any test are communicated only to a person requesting the test, to the person tested, and, if the results of the test indicate the presence of the virus, to the chief administrative officer of the correctional facility in which the person tested is imprisoned or detained. Such rules shall also provide for procedures designed to protect the privacy of a person requesting that the test be performed and the privacy of the person tested."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 301 of title 18, United States Code, is amended by adding at the end the following new item:

"4014. Testing for human immunodeficiency virus."

(c) GUIDELINES FOR STATES.—Not later than one year after the date of the enactment of this Act, the Attorney General, in consultation with the Secretary of Health and Human Services, shall provide to the several States proposed guidelines for the prevention, detection, and treatment of incarcerated persons and correctional employees who have, or may be exposed to, infectious diseases in correctional institutions.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. HYDE) and the gentlewoman

from California (Ms. LOFGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume.

(Mr. HYDE asked and was given permission to revise and extend his remarks.)

Mr. HYDE. Mr. Speaker, H.R. 2070, introduced by the gentleman from New York (Mr. SOLOMON), is designed to give an added measure of protection to those Federal employees who work with or near prison inmates. This bill requires the testing of all inmates in the Federal prison system for the HIV virus upon their arrival in the system. It also requires the testing of any inmate in the Federal prison system when there is reason to believe that an inmate or a person ordered detained pending trial may have intentionally or unintentionally transmitted the HIV virus to any government employee or to any person lawfully present in a Federal correctional facility.

The bill allows Federal employees, should they be involved in the type of incident with an inmate or detained person in which the HIV virus could have been transmitted, to request that the inmate or detained person be tested for the virus. The bill then requires the government to test the person and report the test results to the employee requesting the test, the person tested and the warden of the facility in which the person is incarcerated or detained.

The need for this legislation is simple: Drugs have now been developed which can prevent the transmission of the HIV virus after exposure to someone who carries the virus. The drugs are effective in preventing transmission approximately 80 percent of the time. However, the drugs must be administered within 2 to 24 hours after exposure, and have extremely unpleasant side effects.

□ 1630

If a Bureau of Prisons or Marshalls Service employee were to come in contact with the blood of an inmate, knowing the HIV status of the inmate will enable the employee and his or her doctor to make a more informed decision as to whether to undergo this course of treatment. Unfortunately, some inmates refuse to be tested when Bureau of Prison officials request. This bill will require that they be tested.

Finally, the bill requires the Attorney General to develop model guidelines for States to follow to prevent, detect, and treat all types of infectious diseases that are commonly found in prison populations.

There seems to be general agreement that the Bureau of Prisons and the Public Health Service officers who work for the Bureau do an outstanding job of controlling infectious diseases in our Federal prisons. Professional associations representing State corrections and law enforcement officers have requested the committee to encourage the Bureau of Prisons to share those practices with the States. This provision requires the Attorney General to compile those practices in the form of voluntary guidelines that States could follow in their own correctional facilities.

I am pleased to state that the bill is supported by the American Federation of State, County, and Municipal Employees, the Federal Law Enforcement Officers Association, the Corrections and Criminal Justice Coalition, and the Fraternal Order of Police.

Mr. Speaker, the job of a law enforcement officer or corrections officer is a dangerous one. We owe it to these citizens to make the government take whatever steps it can to minimize the risks they encounter on the job. This bill will help identify the risk of HIV infection to those who serve in these jobs so that appropriate precautions can be taken to prevent its transmission.

Mr. Speaker, I reserve the balance of my time.

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support this legislation, which gives the Attorney General the authority to test prison inmates for the human immunodeficiency virus in the event that there is reason to believe that an individual has come into contact with the bodily fluids of an inmate, thus preventing potential exposure to the virus.

This bill was introduced out of concern for the health and safety of Federal corrections officers who may be exposed to HIV. There is treatment available designed to prevent transmission of HIV after exposure, but as the chairman has pointed out, this treatment must be administered within 2 to 24 hours of exposure. This legislation is designed to provide for testing of inmates who may have transmitted the disease to persons working in or visiting Federal correctional facilities.

H.R. 2070 provides that if an inmate in a Federal correctional facility may have transmitted HIV to a correctional officer or visitor, the Attorney General should test that inmate for HIV on the request of the person who may have been exposed to the virus. The Attorney General is required to communicate the results of the test to the person who requested it and to the inmate, if he or she would like to know the results.

Moreover, if the person or inmate tests positive for HIV, the Attorney General must provide referrals for counseling, health care, and support services for both the inmate and the exposed person. H.R. 2070 also includes

provisions for protecting the privacy of affected individuals.

This bill requires the Attorney General to make rules within 1 year of enactment of this legislation requiring that the test results are communicated only to the person requesting the test and to the inmate. The bill also prohibits the use of information obtained through these testing procedures to be used against an inmate in any civil or criminal proceeding.

Finally, the bill tells the Attorney General to notify the States of the regulations promulgated under H.R. 2070, and to make those guidelines available to the States.

Because this bill strikes a balance between the need of those potentially exposed to the HIV virus to know the extent of their exposure and then to be able to seek timely treatment and, hopefully, prevention of full-blown disease, as well as balancing the privacy needs of those to be tested, I support this legislation. It was approved by voice vote of the Committee on the Judiciary. All of the amendments suggested by the minority were incorporated and included in the draft.

Mr. Speaker, I reserve the balance of my time.

Mr. HYDE. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from New York (Mr. GERALD SOLOMON), the distinguished author of this fine legislation.

(Mr. SOLOMON asked and was given permission to revise and extend his remarks.)

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for yielding me the time.

I certainly thank the gentleman from Illinois (Mr. HYDE) as well as the gentleman from Florida (Mr. MCCOLLUM), the chairman of the Subcommittee on Crime, and the gentlewoman from California (Ms. LOFGREN). I am not going to bother repeating the details of the bill. Both the gentleman from Illinois (Mr. HYDE) and the gentlewoman from California (Ms. LOFGREN) have done that. I just want to thank the subcommittee and committee for acting on this legislation.

It is a shame we need this kind of legislation, but in many of the State correctional facilities and the Federal correctional facilities across this Nation, it seems to be an in thing now where some inmates are taking urine and throwing it in the faces of corrections officers.

First of all, it is not only demeaning, but in a number of cases it has turned out where many of them have been infected with the HIV virus. Of course, what this does, it means that now the correctional officers will be notified immediately after a test has been made on the inmates. It certainly is no reflection on the privacy of an inmate, because the only people that would be notified would be the correctional officer, the inmate, and of course, the warden of the affected correctional facility. I thank the gentleman very much

for getting this vital piece of legislation moved.

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would reiterate that all of the concerns expressed by the minority in terms of respecting privacy rights, use of information, and the like have been incorporated. I think it is because of that that the broad bipartisan support of this bill has come to fruition in this day on the Suspension Calendar.

Ms. JACKSON-LEE of Texas. Mr. Speaker, this bill is a fair attempt to protect our correctional officers.

By requiring prisoners in Federal penitentiaries to be tested for the HIV virus three or four months after they are incarcerated, this measure strives to protect corrections officers from the risk of HIV infection.

The bill also allows any corrections officer who comes in contact with the bodily fluid of an inmate to request an additional HIV test on that inmate.

It seems that this legislation treats the inmates as fairly as the system would allow. Privacy is retained because test results are only given to the person requesting the test. If requested, the inmate can receive this results, too. Furthermore, the measure requires that guidelines must be developed to protect the privacy of the person requesting the test and the person tested.

It is important that we protect the rights and privacy of those living with HIV. In my home State of Texas, over 16,000 people are HIV positive. I have consistently fought against discriminating against people with HIV.

Prisoners with HIV deserve the right to their privacy because they could be subject to violence from other prisoners if their HIV status were exposed. Moreover, corrections officers might be hesitant to protect inmates with HIV during violent confrontations.

I also hope that we do not extend this testing too far. Some advocates of this bill contemplated broadening the bill's scope of power. For instance, some would apply this measure to pre-trial detainees or people who had merely been arrested. I believe that expanding the scope of this measure in such a manner would have far-reaching, detrimental impacts on the right to privacy, and I do not believe that a health risk, even one as great as HIV, warrants such intrusive measures.

Ms. LOFGREN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HYDE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Illinois (Mr. HYDE) that the House suspend the rules and pass the bill, H.R. 2070, as amended.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read:

A bill to amend title 18, United States Code, to provide for the testing of certain persons who are incarcerated or ordered detained before trial, for the presence of the

human immunodeficiency virus, and for other purposes.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 5:15 p.m.

Accordingly (at 4 o'clock and 36 minutes p.m.), the House stood in recess until approximately 5:15 p.m.

□ 1720

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. MORELLA) at 5 o'clock and 20 minutes p.m.

REPORT ON H.R. 4380, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1999

Mr. TAYLOR of North Carolina, from the Committee on Appropriations, submitted a privileged report (Report No. 105-670), on the bill (H.R. 4380), making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 1999, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XXI, all points of order are reserved.

GENERAL LEAVE

Mr. TAYLOR of North Carolina. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on House Resolution 469.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

PROVIDING FOR ADDITIONAL DEBATE ON SHAYS AMENDMENT TO H.R. 2183, BIPARTISAN CAMPAIGN INTEGRITY ACT OF 1997

Mr. THOMAS. Madam Speaker, I ask unanimous consent that during the further consideration of the bill, H.R. 2183, in the Committee of the Whole, pursuant to House Resolution 442 and the order of the House of July 17, 1998, that the amendment in the nature of a substitute offered by the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Massachusetts (Mr. MEEHAN) be debatable for not to exceed 40 minutes to be equally divided and the time controlled by the gentleman from Connecticut (Mr. SHAYS) and myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

REPORT ON STEPS TAKEN TO END ARAB LEAGUE BOYCOTT OF ISRAEL—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105-295)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with accompanying papers, without objection, referred to the Committee on Appropriations and the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

In accordance with the request contained in section 540 of Public Law 105-118, Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1998, I submit to you the attached report providing information on steps taken by the United States Government to bring about an end to the Arab league boycott of Israel and to expand the process of normalizing ties between Israel and the Arab league countries.

WILLIAM J. CLINTON.

THE WHITE HOUSE, July 30, 1998.

BIPARTISAN CAMPAIGN INTEGRITY ACT OF 1997

The SPEAKER pro tempore. Pursuant to House Resolution 442 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2183.

□ 1724

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2183) to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for elections for Federal office, and for other purposes, with Mrs. EMERSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Friday, July 31, 1998, the amendment offered by the gentleman from Pennsylvania (Mr. ENGLISH) to amendment No. 13 offered by the gentleman from Connecticut (Mr. SHAYS) had been disposed of.

Pursuant to the order of the House of Friday, July 17, 1998, no other amendment to amendment No. 13 is in order.

Pursuant to the order of the House of today, the gentleman from Connecticut (Mr. SHAYS) and the gentleman from California (Mr. THOMAS) each control an additional 20 minutes of debate on the amendment of the gentleman from Connecticut.

The Chair recognizes the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Madam Chairman, I ask unanimous consent to yield 10 minutes to the gentleman from Massachusetts (Mr. MEEHAN) so that he would be allowed to control 10 minutes of time.

The CHAIRMAN. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. SHAYS. Madam Chairman, I yield myself 30 seconds to say to the Members of this Chamber and to all my colleagues that this is truly an historic opportunity to restore integrity to the political process and vote for the Meehan-Shays substitute, which will ban soft money, the unlimited sums, from individuals, corporations, labor unions, and other interest groups, recognize sham issue ads for truly what they are, campaign ads, improve FEC disclosure and enforcement and establish a commission to further study reforms to our campaign system.

Madam Chairman, I reserve the balance of my time.

Mr. THOMAS. Madam Chairman, I yield myself such time as I may consume.

I am pleased to say that the House, in an orderly fashion, has discussed a number of issues surrounding campaign reform and that we reach a point tonight in which a major decision will be made by the House, and we reach this point almost entirely with an open rule and mutually agreed upon unanimous consent, which indicates that even on an issue as difficult as this, if reasonable people of goodwill will sit down and resolve the issues that separate them, the House can in fact move forward.

This particular substitute, the Shays-Meehan bill, has gone through a number of permutations over the years. At one time, Political Action Committees were seen to be the primary enemy of the Republic, and the current version views the fundamental erosion of the American experiences tied to what is often called soft money.

Sometimes the terms that are used in political debate, although we have all grown accustomed to them, are sometimes confusing to people who do not make this their life's work.

The idea of hard money is simply money raised under the Federal Election Act associated directly with elections, would be hard money. Other money would be so-called soft money. What this bill attempts to do is to quote, unquote ban soft money from Federal elections.

One of the difficulties in attempting to do something like this is that we had better have a definition and a ban that works for all evenly and equally, and I think one of the fundamental flaws in the Shays-Meehan bill is that it simply does not do that. Although it purports to ban soft money, it bans soft money only in regard, for example, to political parties.

Political parties are unique institutions in the American political experience. They are the only institutions